

**United States Court of Appeals  
for the Armed Forces  
Washington D.C.**

In Re:	)	<u>O</u> <u>R</u> <u>D</u> <u>E</u> <u>R</u>
	)	
CHANGE OF RULES	)	
	)	
	)	

Upon careful consideration of certain proposed changes to the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces, which were presented to and reviewed by the Rules Advisory Committee of the United States Court of Appeals for the Armed Forces and thereafter published in the Federal Register for comment, it is, by the Court this 10<sup>th</sup> day of January, 2008

ORDERED:

That effective March 1, 2008, Rules 27(b), 30(e) and 36A are hereby amended as provided in the attachment to this order.

For the Court,

/s/ William A. DeCicco  
Clerk of the Court

## **EXTRAORDINARY RELIEF**

### **RULE 27. PETITION FOR EXTRAORDINARY RELIEF, WRIT-APPEAL PETITION, ANSWER, AND REPLY**

(a) Unchanged.

**(b) Writ-appeal petition, answer, and reply.** A writ-appeal petition for review of a decision by a Court of Criminal Appeals acting on a petition for extraordinary relief shall be filed by an appellant, together with any available record, including the items specified by subsection (a)(2)(C), within the time prescribed by Rule 19(e), **shall conform in length to Rule 24(b)**, shall be accompanied by proof of service on the appellee in accordance with Rule 32, and shall contain the information required by subsection (a)(2)(B).

## **MOTIONS**

### **RULE 30. MOTIONS**

(a)-(d) Unchanged.

**(e)** Once a notice of hearing has been given to counsel for the parties, motions may not be filed within 5 ~~working~~ **business** days prior to the date on which such hearing is scheduled, except by leave of the Court and for good cause shown.

#### **RULE 36A. CITATIONS TO SUPPLEMENTAL AUTHORITIES**

If pertinent and significant authorities come to a party's attention after such party has filed a pleading allowed under these Rules, or after oral argument but before a final decision, the party may promptly advise the Clerk by letter, with a copy to all parties, setting forth the citations. The letter must state **why the supplemental citations are pertinent and significant**, ~~without argument, the reasons for each supplemental citation,~~ referring either to the page of the earlier filed pleading or to a point argued orally. ~~to which the citation is pertinent.~~ **The body of the letter must not exceed 350 words, and copies of the supplemental authorities referenced in the letter shall be attached to the original and each copy of the letter.** Any response by other parties must be made promptly and must be similarly limited. See Rule 37(b)(2).

**If the letter or the response is to be submitted less than 5 business days prior to oral argument, submission and service shall be by overnight mail delivery or by more expeditious means to allow the Court and all parties adequate time to consider the authorities cited before oral argument.**